

Application Serial No.: 09/956,997

Attorney Docket No.: 47004.000172

REMARKS

Claims 1-44 are pending in this application. By this amendment, claims 1, 10, 14, 16, 17, 19, 20, 21, 38, 39 and 43 are amended and claim 44 is added. Reconsideration and allowance in view of the following remarks are respectfully requested.

No new matter has been added by this Amendment. Support for the amendments to the claims may be found in the application on page 5, in original claim 1 and in the drawings, for example.

I. THE CLAIMS SATISFY 35 U.S.C. §112

In the Office Action, claims 14-16 and 38 are rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office Action asserts that claims 14 and 38 recite the phrase "a particular selected personal identification entry from the plurality of possible selected personal identification entries based on a rotation through the plurality of possible selected personal identification entries..." also the phrase "wherein the rotation through the plurality of possible selected personal identification entries corresponds to the rotation through the plurality of possible entered personal identification entries". The Office Action further asserts that claim 15 and 38 recite the "wherein..." phrase make the claims indefinite and unclear in that neither means nor interrelationship of means nor method steps are set forth in the claims in order to achieve the desired results expressed in corresponding.

The claims have been amended in response to such assertions in the Office Action. Accordingly, it is respectfully submitted that the claims satisfy 35 U.S.C. §112. Withdrawal of the 35 U.S.C. §112 rejection is respectfully requested.

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II. THE CLAIMS DEFINE PATENTABLE SUBJECT MATTER**A. The Rejection Based on Pare under 35 U.S.C. §102**

The Office Action rejects claims 1-12, 18, 31-32 under 35 U.S.C. 102(e) as being thought by U.S. Patent No. 5,838,812 to David Ferrin Pare et al. (hereinafter "Pare"). This rejection is respectfully traversed.

Claim 1 recites a system for completing a transaction relating to an account in the system wherein an account-holder is not required to know an account number and is not required to have an account card physically present during the transaction. In particular claim 1 recites the system comprising an account controller operating portion including a database, the account card controller operating portion linking a selected alias of the account-holder with the account number of the account and a selected personal identification entry, which is associated with the account number, in the database, wherein each of the selected alias and the selected personal identification entry is previously selected by the account-holder. Claim 1 further recites wherein the account controller operating portion searches the database for the selected alias and the selected personal identification entry that is linked to the selected alias, the account controller operating portion authenticating the transaction and communicating such authentication to the interface portion if the entered personal identification entry entered by the account-holder matches the selected personal identification entry found through the database search. Pare fails to teach or suggest all of such claimed features, including that the account controller operating portion searches the database for the selected alias and the selected personal identification entry that is linked to the selected alias.

On page 3, the Office Action asserts that as per claim 1, Pare teaches a system for completing a transaction relating to an account in the system wherein an account-holder is not

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required to know an account number and is not required to have an account card physically present during the transaction, the system comprising: a card controller operating portion including a database, the card controller operating portion linking a selected alias of the account-holder with the account number of the account and a selected personal identification entry, which is associated with the account number, in the database, wherein each of the selected alias and the selected personal identification entry is previously selected by the account-holder (See Pare figures 2, column 5, line 65-column 9, line 65). The Office Action further asserts that Pare teaches wherein the card controller operating portion searches the database for the selected alias and the selected personal identification entry that is linked to the selected alias, the card controller operating portion authenticating the transaction and communicating such authentication to the interface portion if the entered personal identification entry entered by the account-holder matches the selected personal identification entry found through the database search (See Pare figures 2, column 5, line 65-column 9, line 65).

Applicant submits that, in particular, Pare fails to teach the claimed features of the card controller operating portion searches the database for the selected alias and the selected personal identification entry that is linked to the selected alias. Applicant has reviewed the portions referenced in the Office Action, as well as the other disclosure of Pare. Fig. 2 of Pare is not seen to teach such features. Further, column 5, line 65-column 9, line 65, of Pare, i.e., the summary of the invention, is not seen to teach such claimed features.

For example, Applicant notes that Pare (column 6, lines 18-31) teaches that a buyer accepts a transaction in an acceptance step by adding the buyer's personal authentication information including the buyer's biometric, PIN, and an abbreviated account index code that specifies which of the buyer's financial accounts to debit. This accepted transaction is called a

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transaction agreement, which is forwarded to the computer system in a transmission step. Pare teaches that after receiving the transaction agreement, the computer system attempts to identify the buyer. The computer system compares the biometric samples and the PIN added by the buyer to the transaction agreement with previously registered biometric samples and PINs in a buyer identification step. If a match is found, the buyer is identified successfully, otherwise the buyer is not identified and the transaction fails. Pare further teaches that once the buyer is identified, the computer system in a payment step determines the financial account of the buyer using the account index code as well as the financial account of the seller using the seller identification code, both of which are found in the transaction agreement. Once both accounts are determined, the computer system debits the account of the buyer and credits the account of the seller.

Applicant asserts that such teaching of Pare relates to a comparison. However, Pare does not teach that a card controller operating portion searches the database for the selected alias and the selected personal identification entry that is linked to the selected alias.

Also, other disclosure of Pare fails to teach or suggest such features. For example, in column 27, lines 49-67, Pare teaches the merchant enters the value of the transaction into his electronic cash register. Then, the individual enters his biometric-PIC, his account index code, and then validates the amount. The RPT then adds the product information and the merchant code to the BIA, instructs the BIA to construct the transaction, and then sends the transaction to the DPC through its network connection. Pare further teaches that when the DPC receives this message, it validates the biometric-PIC, obtains the account number using the index code, and cross-checks the merchant code in the message with the registered owner of the BIA. If everything checks out, the DPC forms and sends a credit/debit transaction to execute the exchange. The response from the credit/debit network is added to the private code to form the

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transaction response message, which the DPC then sends back to the RPT. The RPT examines the response to see whether or not the authorization succeeded, and then forwards the response to the BIA, which then displays the individual's private code, concluding the transaction.

Further, in column 31, lines 53-63, Pare teaches that when the DPC receives the request, it performs a biometric identity check, and once the individual is verified, it collects the message digest encoding, the individual's biometric account number, the current time of day, the name of the document, and the identification of the BIA that gathered the signature, and stores them all in the Electronic Signatures Database (ESD). The DPC then constructs a signature code text string that consists of the ESD record number, the date, the time, and the name of the signer, and sends this signature code along with the individual's private code back to the EST. Pare teaches to check an electronic signature, the document is sent through the MD5 algorithm (known in the industry), and the resulting value together with the electronic signature codes are given to the BIA along with the requesting individual's biometric-PIC, and the message is sent to the DPC. The DPC checks each signature for validity, and responds as appropriate. However, such disclosure of Pare fails to teach or suggest each and every feature of claim 1, as noted above.

For at least the reasons set forth above, it is respectfully submitted that independent claim 1 recites patentable subject matter. Further, independent claims 38 and 39 recite patentable subject matter for reasons similar to claim 1. The dependent claims rejected under 35 U.S.C. §102 also recite patentable subject matter for at least the reasons set forth above with respect to claim 1, as well as the additional features such dependent claims recite.

For the reasons discussed above, Applicant respectfully submits that the prior art fails to teach or suggest the features of the claimed invention. Reconsideration and withdrawal of the rejection under 35 U.S.C. §102 is respectfully requested.

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B. The Rejection Based on Pare and Dawsani

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pare in view of U.S. Patent Application Publication No. US 2002/0023108 to Neil Dawsani et al. (Dawsani).

The Office Action asserts that what is not explicitly disclosed by Pare, is the rotation among different selected personal identifiers as they are requested at the point of contact with the system, but that however, Dawsani clearly teaches the steps of rotation among different passwords or user ids and prompting the user to enter such information into the system for verification. The Office Action concludes that therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made for further security and enhanced access control to add additional layer of security provided by Dawsani teachings to that of the Pare.

The Office Action asserts that as per claims 15 and 16, Pare and Dawsani teach all the limitations of claim 14, and reflects what is not explicitly disclosed by Pare and Dawsani, is that there are three possible selected personal identification entries that correspond to three possible entered personal identification entries as well as they rotation number for each to be presented to the user (See Pare figures 2, column 5, line 65-column 9, line 65). The Office Action asserts however, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to select how many personal identifier or passwords could be chosen as well as how to inform a user to enter such information into the system at the point of contact; and that one would be assigning an indicator (such as a number) to associate with each such selected information and at the point of the contact present such number to the user to inform the user as which selection need to be entered.

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These assertions in the Office Action are respectfully traversed. In particular, the Office Action asserts that "one would be assigning an indicator (such as a number) to associate with each such selected information and at the point of the contact present such number to the user to inform the user as which selection need to be entered". It is submitted that such assertion of what is allegedly known in the art is fully unsupported. The Office Action does not assert a reference in asserting such teaching. Further, such claimed feature clearly extends beyond what would fairly be asserted as official notice. The Examiner is requested to clarify the support for such teaching.

Applicant notes that Dawsani in paragraph [76] teaches a routine for periodically rotating or changing user passwords may be included. However, such disclosure fails to teach or suggest the features of claim 16 which recites wherein the account controller operating portion, through the interface portion, prompts the account-holder for the particular entered personal identification entry by providing a personal identification entry rotation number.

Further, it is submitted that even if it were obvious to somehow modify Pare by Dawsani, as alleged in the Office Action, such would still fail to cure the deficiencies of Pare as discussed above.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103 based on Pare and Dawsani is respectfully requested .

C. The 35 U.S.C. §103 Rejection Based on Pare

In the Office Action, claims 19-25 and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pare.

The Office Action alleges to modify Pare in terms of both users being business entities, using a signature as identifying information, use of communication methods to change a

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password and the use of partial passwords. It is submitted that even if it were obvious to modify Pare as alleged in the Office Action, which it is not so admitted, such modifications would fail to cure the deficiencies of Pare as discussed above.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103 based on Pare is respectfully requested.

D. The Rejection Based on Pare and Maes

In the Office Action, claims 26-28 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pare in view of U.S. Patent No. 6,016,476 to Stephen H. Maes et al.

The Office Action asserts that Pare teaches the card controller operating portion determines, based on the one of a plurality of possible entered personal identification entries, the hierarchical ranking of the order in which the plurality of possible funds accounts are accessed for withdrawal of funds (See Pare column 6, lines 18-35, column 8, lines 49-64, and column 36, line 64- column 37, lines 2). These assertions are traversed.

Applicant acknowledges that Pare teaches that different accounts may be selected, e.g., using an account index code. However, such teaching of specifying a particular account is fundamentally different than the claimed hierachal ranking, and falls short of teaching such claimed hierarchical ranking.

Further, the Office Action asserts that what is not explicitly disclosed by Pare, is the ranking of the accounts, but that however, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to modify or add the ranking of accounts based on any type of attribute, limit, spending track, or any other specifics to control the spending or accounting of the users accounts. Such assertion appears to presuppose that Pare teaches a ranking, which Pare does not. Rather, Pare merely teaches a selection of an account.

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Further, Applicant traverses the assertion that it would have been obvious to add or modify a ranking. Pare fails to teach the claimed ranking; and such specific features, in particular in the context of the claimed invention, extends beyond what is fairly cited as official notice.

With regard to the other alleged modifications of Pare, Applicant submits that even if it were obvious to modify Pare as alleged in the Office Action, which it is not so admitted, such modifications would fail to cure the deficiencies of Pare as discussed above.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103 based on Pare and Maes is respectfully requested.

E. The 35 U.S.C. §103 Rejection based on Pare and Hillhouse

The Office Action asserts that claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pare in view of U.S. Patent publication No. 2003/0037262 A1 to Robert D. Hillhouse.

The Office Action asserts that as per claims 29 and 30, Pare teaches all the limitations of claim 1, further, Hillhouse clearly teaches the selected alias and personal identification entry includes a static portion, the static portion being a portion of the selected alias that is not changed (See Hillhouse paragraph [0034], [0035], and [0050]); and a dynamic portion, the dynamic portion being a portion of the selected alias that is changed, the account-holder changing the dynamic portion of the selected alias while not changing the static portion of the selected alias using the interface portion (See Hillhouse paragraph [0034], [0035], and [0050]). The Office Action concludes that therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to combine the teachings of Pare and Hillhouse to

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produce a further enhanced security and authentication system that is less vulnerable to intrusion attacks. These assertions are traversed.

Hillhouse in paragraphs [34] and [35] teaches to make the system more difficult to break, the network system is organized in such a way that regularly all the employees are prompted to enter a new password. Often, the system allows the users to combine a non-determined number of letters, either small or capital, and digits in their passwords. However, due to the multiplicity of the systems and the recurrence of the demand, employees often use the same password to which a number is just added. For example, the "Fido" password becomes after a change request "Fido1". Hillhouse describes that during the time period lasting between two successive modifications of a password, the password remains unchanged. A competent person may rapidly find out the password of a user and access a company's network. Hillhouse further teaches the fact that the password remains unchanged during a long period of time between two modifications renders the system insecure.

Claim 29, for example, clearly sets forth a static portion and a dynamic portion of the alias. Thus, the claimed invention reflects that the alias is segregated into two portions. Hillhouse falls short of such teaching. Rather, Hillhouse merely reflects that a user might change part of a password, while leaving another part the same. However, such is different than specifying a static portion and a dynamic portion, as recited. It is submitted that the interpretation in the Office Action does not reflect a fair meaning of the language of the claim relating to the static and dynamic portions

Withdrawal of the 35 U.S.C. § 103 based on Pare and Hillhouse is respectfully requested.

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III. CONCLUSION

For at least the reasons outlined above, Applicant respectfully asserts that the applied art fails to fairly teach or suggest the claimed invention and that the application should therefore be allowed. Favorable reconsideration and allowance of the claims are respectfully solicited.

For any fees due in connection with filing this Response the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,
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